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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,603	03/30/2001	Guojun Zhou	42390P10779	1244

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,603

Applicant(s)

ZHOU, GUOJUN

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by **Banker et al (5,477,262)**.

As to claim 1, note the **Banker** reference figures 1-3, discloses method and apparatus of initializing the cable television terminal using on-screen menu and further discloses a method comprising:

providing access to television programming to enable a customer of a broker (a Headend Controller 'HE' 103 for Subscription TV system, fig.1 and col.7, lines 58-col.8,

line 11) to create a custom channel (Favorite Channel 'F-CH', col.11, lines 31-59, col.17, lines 52-col.18, line 19) including at least one television program (PPV, VOD, etc., program) selected from the television programming, note that HE stores subscriber database and billings each subscriber accordingly;

receiving at the broker input from the customer to create the custom channel (HE 1-3 receives F-CH selection information via Return Path 317, col.12, lines 6-15); and transmitting from the broker to the customer the custom channel including the at least one television program (col.21, lines 18-33 and col.22, line 27-col.23, line 33), the custom channel created by the customer (col.17, lines 54-59), note that the subscriber is presented with various menus for creating a list of F-CHs and can tune to receive a PPV program within the F-CH list and further selects various time of viewing the purchased or PPV program (col.16, lines 51-61 and col.18, lines 20-37, lines 52-67 and col.21, line 62-col.22, line 7).

As to claim 2, Banker further discloses simultaneously transmitting to the viewer the custom channel and at least one other custom channel (col.22, line 27-col.23, line 33).

As to claim 3, Banker further discloses pre-recording a television program and transmitting to the viewer a custom channel including the pre-recorded television program (col.22, line 27-col.23, line 33).

As to claims 4-5, Banker further discloses providing at least PIN or other identification "one access code" to the viewer, the access code enabling the viewer to access the television and assigning an access level, controlled by a parent, to at least

one access code (col.15, line 60-col.16, line 18 and line 62-col.17, line 3), the access level identifying at least one category of the television programming the viewer is prohibited from accessing (col.22, lines 45-56 and col.24, lines 19-39).

As to claim 6, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

Claim 7 is met as previously discussed with respect to claim 3.

Claim 8 is met as previously discussed with respect to claims 4-5.

As to claim 9, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

As to claim 10, Banker further discloses sending the custom channel data to one of a cable television provider and a direct-to-home satellite provider (col.7, lines 49-57 and col.11, lines 10-17).

Claim 11 is met as previously discussed with respect to claims 4 and 5.

As to claim 12, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

As to claim 13, Banker further discloses encrypting a signal comprising the at least one custom channel (col.8, lines 3-11 and line 45-col.9, line 12).

Claim 14 is met as previously discussed with respect to claim 3.

As to claim 15, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

As to claim 16, Banker further discloses where the viewer selects from the listing of available television programming a second television program, selecting a second

Art Unit: 2617

time for viewing the second television program, the second time delayed relative to a scheduled broadcast time for the second television program, and adding the second television program and the second time to the custom channel (col.16, lines 51-61 and col.18, lines 20-37, lines 52-67 and col.21, line 62-col.22, line 7).

As to claim 17, Banker further discloses where selecting from the listing of available television programming a second television program, selecting a second time for viewing the second television program at least partially coinciding with the selected time for viewing the at least one selected television program, and adding the second television program and the second time to another custom channel (col.16, lines 51-61 and col.18, lines 20-37, lines 52-67 and col.21, line 62-col.22, line 7).

As to claim 18, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

As to claim 19, Banker further discloses a database memory to store custom channel data identifying television programs comprising the custom channel (col.12, line 6-26, line 48-col.13, line 13).

As to claim 20, Banker further discloses where the viewer interface includes one of an EPG (col.12, line 6-26, line 48-col.13, line 13).

As to claim 21, Banker further discloses recordable digital video Discs (DVD's) "video storage medium" couple to the receiver to receive and store television programming (col. 12, lines 10-29).

Claim 22 is met as previously discussed with respect to claim 13.

As to claim 23, Banker further discloses an access circuitry inherent to Head end for receiving and verifying a viewer access code (col.7, line 58-col.8, line 30).

As to claim 24, the claimed "a system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

Claim 25 is met as previously discussed with respect to claim 19.

Claim 26 is met as previously discussed with respect to claim 20.

Claim 27 is met as previously discussed with respect to claim 23.

As to claim 28, the claimed "an article of manufacture, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1 above.

Claim 29 is met as previously discussed with respect to claim 2.

Claim 30 is met as previously discussed with respect to claim 3.

Response to Arguments

4. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2617

Ohkura et al (5,737,029) disclose image reception controller and method with ordered display of previously viewed channel.

Bruette et al (5,694,176) disclose method and apparatus for generating television program guides with category selection overlay.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



Annan Q. Shang.



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